

28 JAN 1969

STRONG NEW SPY-WATCH ACT READIED

Eastland's Bill Would Put Back Teeth That High Court Pulled

By OSWALD JOHNSTON
Washington Bureau of The Sun

Washington, Jan. 27—The Senate Internal Security subcommittee has laid the foundation for the most sweeping subversive control act in nearly twenty years.

In a report made public here today, the committee expressly seeks to reinstate most of the security statutes the Supreme Court has struck down as unconstitutional in recent years.

But many proposals seem designed to make the surviving portions of the 1940 Smith Act and the 1950 Subversive Activities Control Act even stiffer than they were when first enacted.

Limits On Courts' Power

They include stricter controls on passports and travel, broader powers for congressional committee investigators and explicit limitations on the power of courts—especially the Supreme Court—to upset Federal and state security measures and loyalty oaths.

At least 3 of the 36 recommendations put forward by the committee are expressly designed to encourage informants such as Otto Otepka, the State Department security officer who was demoted for handing over confidential department records to the Internal Security subcommittee.

The report also calls for establishment of a new Federal agency devoted entirely to coordinating security control in all existing agencies.

In addition, it provides several new duties for the Subversive Activities Control Board, whose \$26,000-a-year members had been left with almost nothing to do by the recent Supreme Court decisions.

Board's Life Extended

Congress last session acted to extend the life of the board until June 30, 1969, but it would have to go out of business then unless it hears at least two cases during the present year.

There is also a provision that the present Smith Act sanctions against advocating "forcible overthrow" of the Federal Government or any city or state be made to apply in times of "national emergency" as well as in actual wartime.

This would presumably make it possible to extend the harsher penalties of the Smith Act—20 years imprisonment, \$20,000 fine—to persons convicted of fomenting riots in slums.

Zealous Inquiries

The Senate internal security subcommittee has been zealous recently in seeking out evidence that the riots are the fruit of a Black Power and New Left conspiracy.

The subcommittee recommendations have been incorporated in a bill to be presented early next month by Senator Eastland (D., Miss.) the subcommittee chairman.

Eastland began a drive on behalf of the new measure yesterday, in a Senate statement in which he pointed specifically to the Supreme Court's December 11 ruling that Communists could not constitutionally be barred from working in defense plants.

10 Senators Back It

A draft of the bill has already been circulated to some 47 senators, and, according to a member of Eastland's staff, about 10 have so far agreed to back it.

The subcommittee report is careful to disavow any intention to "challenge" the Supreme Court and to disclaim any "attempt to reverse any decision of the court."

But the report also takes as its keynote the statement of purpose Eastland delivered when the subcommittee took up the question nearly two years ago:

"Whenever any law for the protection of our national security is stricken down by a court decision, Congress has the res-

The main recommendations in the report are the following:

1. Create a new agency called a central security office, to handle security screenings for virtually all Federal agencies. This new agency would supplement, not supplant the various security offices that already exist.

2. Limit power of courts to review anti-subversive laws.

One recommendation calls for a provision barring Federal courts from deciding whether a congressional committee is performing its duties or overstepping the bounds of its authority. This is expressly aimed at heading off the law suits that civil liberties groups have filed challenging the House, Un-American Activities Committee.

Gives States More Scope

Other proposals would give states greater scope to enact their own anti-subversive legislation—"to remove the Supreme Court as an appellate court for local internal security measures," a spokesman for Eastland explained—and limit the power of courts to review decisions of the Subversive Activities Control Board.

3. Give the Secretary of State the authority the Administration requested last month to outlaw travel to blacklisted countries.

Another aspect of passport control recommended by the subcommittee provides that no person "who refuses to swear or affirm his allegiance to the United States" should be allowed to use any document "which identifies him as one bearing allegiance to the United States."

Right Name On Passport

4. Require that all foreign diplomats, embassy employees or members of foreign missions bear "his true and lawful name" on his passport or other credentials.

Related to this is a proposal that carrying a false Social Security card be made a crime.

These measures were explained as a way to insure quick expulsion of any foreign embassy people suspected of spying. Most embassy spies use aliases as a matter of course, Eastland's spokesman explained. Under this proposal the mere discovery of a suspect with a false name on his passport would be "prima facie evidence" that he is spying.